

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

RODNEY SHIVELY, etc.,

Plaintiff,

v.

CARRIER IQ, INC., et al.,

Defendants.

Case No. C12-0290 EMC

(Related case: C11-5774 EMC)

(MDL Case No. C12-md-2330 EMC  
In Re Carrier IQ, Inc.)

**ORDER VACATING HEARING DATE  
FOR PLAINTIFF'S MOTION TO  
REMAND**

Previously, the Court issued an order in which it stated that, from a case management perspective, it made sense to defer a hearing on Plaintiff Rodney Shively's motion to remand "and have its scheduling set after the CMC [on the MDL and related cases] is held." Order, dated 5/2/2012. In spite of this order, Mr. Shively promptly renoticed his motion to remand for hearing on June 1, 2012. *See* Renotice, dated 5/3/2012. Consistent with its prior ruling, the Court hereby **VACATES** the hearing noticed by Mr. Shively. As the Court previously stated, the motion to remand will not be reset for hearing until after the CMC is actually held. At the CMC, Mr. Shively may raise the issue of when his motion to remand should be heard, and opposing counsel as well as counsel for other plaintiffs will be given an opportunity to be heard on the same issue.

IT IS SO ORDERED.

Dated: May 4, 2012



Edward M. Chen  
United States District Judge